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REMARKS

Claims 1-5, 9-12, 14, 21-24, 27-28, 30-31 and 41-44 are currently pending and are presently under consideration. Favorable reconsideration of the claimed subject matter is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-5, 7, 9-14, 16-19, 21-29, 31-36, 41, 42, 44 and 47 Under 35**U.S.C. §103(a)**

Claims 1-5, 7, 9-14, 16-19, 21-29, 31-36, 41, 42, 44 and 47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Foley (US Patent 6,487,590, "Foley") in view of Waldo (US Patent 6,449,648, "Waldo") and Bainbridge (US Patent 6,014,700, "Bainbridge"). Withdrawal of this rejection is respectfully requested for at least the following reasons. Neither Foley nor Bainbridge nor Waldo, alone or in combination, teach or suggest all of the claim limitations. In addition, there is no teaching, suggestion or motivation to *combine* the system of Foley with those of Waldo or Bainbridge and thus, the cited references do not render obvious the claimed subject matter as a whole.

The test of obviousness is whether "the subject matter sought to be patented and the prior art are such that the subject matter as a *whole* would have been obvious at the time the invention was made to a person having ordinary skill in the art." (*Graham v. John Deere Co.*, 383 U.S. 1, 3 (1966) (emphasis added); *see also e.g., In re Dembiczak*, 175 F.3d 994, 998, 50 U.S.P.Q. 1614, 1616 (Fed. Cir. 1999)). In evaluating obviousness, the PTO must conduct the factual inquiry as outlined in *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). (*See In re Lee*, 277 F.3d 1338, 1342-43, 61 U.S.P.Q.2d 1430, 1433 (Fed. Cir. 2002)). The factual inquiry to be conducted includes determining: (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness. (*See Graham*, 383 U.S. 1, 17-18 (1966)). The PTO must "not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." (*In re Lee*, 277 F.3d at 1344, 61 U.S.P.Q.2d at 1434). The PTO cannot rely merely on conclusory statements and assertions of "common sense" to remedy deficiencies of the cited references. (*In re Lee*, 277 F.3d at 1344, 61 U.S.P.Q.2d at 1434). If the PTO relies on multiple prior art references as the basis for an obviousness rejection, it is not

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enough that all of the claim limitations appear in the prior art. To establish a *prima facie* case of obviousness, the PTO must also make an adequate showing of a suggestion, teaching, or motivation to combine the prior art references. (See *In re Dembiczak*, 175 F.3d 994, 999-1001, 50 U.S.P.Q. 1614, 1617 (Fed. Cir. 1999) (citing to *C.R. Bard, Inc., v. M3 Systems, Inc.*, 157 F.3d 1340, 1352, 48 U.S.P.Q.2d 1225, 1232 (Fed. Cir. 1998)); see also *In re Lee*, 277 F.3d at 1343, 61 U.S.P.Q.2d at 1433). Only if the PTO establishes a *prima facie* case of obviousness does the burden of coming forward with evidence or argument shift to the applicant. (See *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992)).

All of the claims in some form recite the limitation that a *proxy* or a context bound object is *extensible* or has *customized or customizable attributes/code* and that calls on the remote object are intercepted to facilitate *processing attribute based code*. None of the cited references, alone or in combination, teach or suggest this novel feature of the claimed subject matter. The Examiner contends that Bainbridge discloses an extended object reference. (See Office Action dated Dec. 13, 2005 at p. 4). However, neither Waldo nor Bainbridge nor Foley, alone or in combination, teach or suggest extensible, customized or customizable proxies or context bound objects as recited in the subject claims.

Moreover, there is no teaching, suggestion or motivation to *combine* the system of Foley with those of Waldo or Bainbridge. The Examiner contends that “[i]t would have been obvious to apply the teachings of Bainbridge to the system of Foley because using a proxy object, the system could process the request directly by the specified server as disclosed by Bainbridge (lines 1-16 column 4).” (Office Action at p. 4). The cited section of Bainbridge merely describes the features of the Bainbridge system, but does not provide any teaching, suggestion or motivation to *combine* the Bainbridge system with the features of any other system. The Examiner also contends that “[i]t would have been obvious to apply the teachings of Waldo to the system of Foley because by employing a lease on the resource, the system would have control over the access to the resource as disclosed by Waldo (line 55 column 4 to line 20 column 5).” (Office Action at p. 4). The cited section of Waldo merely discloses a benefit of the system of Waldo, but does not provide any teaching, suggestion or motivation to *combine* the Waldo system with the features of any other system. Indeed, by proclaiming the benefits of the system, the reference teaches away from modifying the Waldo system. For at least the foregoing

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reasons, the claimed subject matter is patentable over the cited art and withdrawal of the rejection is respectfully requested.

II. Rejection of Claims 30, 38, 39 and 43 Under 35 U.S.C. §103(a)

Claims 30, 38, 39 and 43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Foley in view of Waldo and Bainbridge, and further in view of King (US Patent 6,681,263, "King"). As explained *supra*, neither Foley nor Bainbridge nor Waldo, alone or in combination, teach or suggest all of the claim limitations and there is no teaching, suggestion or motivation to combine the system of Foley with those of Waldo or Bainbridge. King does not remedy this deficiency. In particular, King does not teach or suggest means for selectively *activating custom attribute code associated with a proxy*. For at least the foregoing reasons, the claimed subject matter is patentable over the cited art and withdrawal of the rejection is respectfully requested. .

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP252US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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